

**APPROVED**

**BOARD OF DENTISTRY**

**MINUTES  
FORMAL HEARING**

**TIME AND PLACE:** A meeting of a panel of the Virginia Board of Dentistry convened on August 5, 2006, at 9:00 a.m. at the Hilton Springfield, Springfield, Virginia.

**PRESIDING:** James D. Watkins, D.D.S.

**MEMBERS PRESENT:** Jacqueline G. Pace, R.D.H.  
Darryl J. Pirok, D.D.S.  
Misty Sissom, R.D.H.

**MEMBERS EXCUSED:** Jeffrey Levin, D.D.S.  
Edward P. Snyder, D.D.S.  
Millard D. Stith, Jr.

**MEMBERS RECUSED:** Meera A. Gokli, D.D.S.  
Glenn A. Young, D.D.S.  
Paul N. Zimmet, D.D.S.

**STAFF PRESENT:** Patricia L. Larimer, Deputy Executive Director  
Cheri Emma-Leigh, Operations Manager  
Cynthia E. Gaines, Adjudication Specialist

**COUNSEL PRESENT:** Howard Casway, Senior Assistant Attorney General

**OTHERS PRESENT:** Frank Pedrotty, Senior Assistant Attorney General  
Gail H. Zehner, Court Reporter, Rudiger & Green Reporting Service

**PANEL:** With the four eligible members present, a panel was established.

**Case Nos. 99098 and  
100380**

██████████ appeared with counsel, August McCarthy, Esq., to resume the formal evidentiary hearing of June 16, 2006.

Testifying on behalf of ██████████ was Paul C. Miller, Esq. and Olivia Palmer, D.D.S. Also testifying on his own behalf, was ██████████.

**Closed Meeting:**

Ms. Sissom moved that the Board convene a closed meeting pursuant to § 2.2-3711(A)(28) of the Code of Virginia to deliberate in reaching a decision in the matter of [REDACTED]. Additionally, it was moved that Board Counsel, Howard Casway, and Board staff, Patricia Larimer and Cheri Emma-Leigh attend the closed meeting because their presence in the closed meeting was deemed necessary and would aid the Board in its deliberations. The motion was seconded and passed.

**Reconvene:**

Ms. Sissom moved to certify that only public matters lawfully exempted from open meeting requirements under Virginia law were discussed in the closed meeting and only public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Board. The motion was seconded and passed.

The Board reconvened in open session pursuant to § 2.2-3712(D) of the Code.

**Decision:**

Mr. Casway read the Findings of Fact, and Conclusions of Law, adopted by the Board. A summary of the Findings of Fact, and Conclusions of Law, are as follows:

1. that [REDACTED] holds a current Virginia dental license;
2. that during [REDACTED] treatment of Patients C, D, E, F, G, H, I, J, and K, he submitted a proposed treatment plan to each patient which included a total cost for each proposed procedure based on the amount to be paid by the patient and their insurance carrier. Following the procedures, [REDACTED] charged the insurance companies amounts higher than the corresponding amounts stated on the patients' respective primary treatment plans, in violation of § 54.1-2706(4) of the Code;
3. that by [REDACTED] own admission, records for Patients B, C, and E-M failed to include the patients' name on each page of the patients' records notwithstanding his claim that there was no need to do so as the patient records always remain in their respective files, in violation of § 54.1-2706(9) of the

Code, and 18 VAC 60-20-15(1) of the Regulations of the Board; and

4. that by [REDACTED] own admission, duplicate laboratory work orders that were submitted for Patients A, C, and E-L failed to include his address, in violation of § 54.1-2706(9) and § 54.1-2719(B)(vi) of the Code, and 18 VAC 60-20-15(8) of the Regulations of the Board of Dentistry.

The sanctions reported by Mr. Casway were that [REDACTED] be issued a reprimand, be required to complete four (4) continuing education hours in recordkeeping within six (6) months, and be subjected to an unannounced audit within one (1) year of the entry of the Order to consist of 10 randomly selected patient records for services provided after the date of the Order.

Ms. Pace moved to adopt the Findings of Fact, Conclusions of Law, and the sanctions as read by Mr. Casway and issuing an Order stating such. The motion was seconded and passed.

**This decision shall be effective upon the entry by the Board of a written Order stating the findings, conclusions, and decision of the Board.**

**ADJOURNMENT:**

With all business concluded, the Board adjourned at 5:47 p.m.

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James D. Watkins, Presiding Chair

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Sandra K. Reen, Executive Director

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Date

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Date